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MARCIA M. WALDRON

CLERK

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790

TELEPHONE

215-597-2995

Middle-Harrisburg Clerk of District Court  
(District)

Date January 20, 2005

Gordon v. Gonzalez  
(Caption)

C. of A. No. 04-4623

Juken Washington Gordon  
(Appellant)

01-cv-00331  
(D.C. No.)

Enclosures:

January 20, 2005 Certified copy of C. of A. Order by the Clerk  
(Date)

\_\_\_\_\_ Released (Record) (Supplemental Record - First - Second - Third)

\_\_\_\_\_ Copy of this form to acknowledge receipt and return to C. of A.

\_\_\_\_\_ Record not released at this time until appeal(s) closed at No.(s) \_\_\_\_\_

\_\_\_\_\_ Please forward Certified List in Lieu of Record to this office.

\_\_\_\_\_ The certified copy of order issued as the mandate on \_\_\_\_\_ is recalled.

Lynn Lopez (267)-299- 4922  
Deputy Clerk Telephone Number

Receipt Acknowledge:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Date)  
(Certified List in Lieu of Record)

Rev. 3/13/00

Appeals

FPS-127

January 10, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 04-4623

Gordon v. Gonzalez  
(M.D. of PA (Harrisburg) No. 01-cv-00331)

To: Clerk

1) Application to Proceed In Forma Pauperis

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The foregoing motion to proceed in forma pauperis is granted. Appellant is a prisoner and seeks to proceed in forma pauperis on appeal. Appellant is required to pay the full \$255.00 fee in installments regardless of the outcome of the appeal. Appellant has completed and filed the required authorization form permitting the appropriate prison officials to assess, collect and forward to the District Court the filing and docketing fees for this appeal pursuant to 28 U.S.C. §§ 1915(b)(1) and (2). The Court hereby directs the warden or his or her designee to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to the prisoner's account; or (b) the average monthly balance in the prisoner's account for the six month period immediately preceding the filing of the notice of appeal. The warden, or his or her designee, shall calculate, collect, and forward the initial payment assessed in this order to the United States District Court for the Middle District of Pennsylvania. In each succeeding month when the amount in the prisoner's account exceeds \$10.00, the warden, or his or her designee, shall forward payments to the United States District Court for the Middle District of Pennsylvania equaling 20% of the preceding month's income credited to the prisoner's account until the fees are paid. Each payment shall reference the appellate docket number for this appeal.

The appeal will be submitted to a panel of the Court for determination under 28 U.S.C. § 1915(e)(2). The Court also will consider any other appropriate action, such as affirmance of the order of the District Court. See Third Circuit Internal Operating Procedure 10.6.

A True Copy:



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Marcia M. Waldron,  
Clerk

For the Court,

/s/Marcia M. Waldron  
Clerk

Dated: January 20, 2005  
LML/cc: Mr. Juken Washington Gordon  
Michael J. Butler, Esq.